

AUSA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ramon VASQUEZ-Cabrales
Bernice PELAYO-Hernandez
Denise PELAYO-Hernandez,

Defendant(s)

) Magistrate Case No. 2008 MAR 27 AM 11:58

) '08 MJ 0942

) COMPLAINT FOR VIOLATION OF:

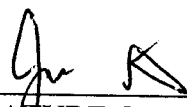
) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

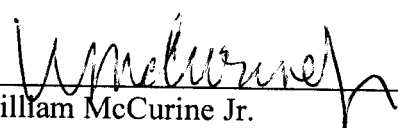
) Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 25, 2008**, within the Southern District of California, defendants **Ramon VASQUEZ-Cabrales, Bernice PELAYO-Hernandez, Denise PELAYO-Hernandez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Eduardo REYES-Rodriguez, Ramon TORRES-Silva, and Juan Carlos YEPEZ-Yepez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MARCH 2008.


 William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Ramon VASQUEZ-Cabrales**Bernice PELAYO-Hernandez****Denise PELAYO-Hernandez,****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Eduardo REYES-Rodriguez, Ramon TORRES-Silva, and Juan Carlos YEPEZ-Yepez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 25, 2008, Supervisory Border Patrol Agent D. Hill was assigned patrol duties in and around Boulevard, California. Agent Hill was in full uniform driving a marked DHS vehicle equipped with fully functional emergency lights and siren. Boulevard is located approximately five miles north of the United States/Mexico International Boundary approximately twenty miles east of the Tecate, California Port of Entry.

At approximately 9:57 p.m. while driving southbound on Ribbonwood Road in Boulevard, California, Agent Hill observed a white (F-150) Ford pick-up truck traveling northbound. A driver and one passenger were visible and the truck appeared to be heavily laden as it bounced excessively. Agent Hill decided to follow the vehicle as it entered onto westbound Interstate 8 (I-8). Agent Hill requested a stolen vehicle/registration check. The vehicle was registered with a release of liability. In her experience, illegal alien and drug smugglers commonly use vehicles with a release of liability in an attempt to hide the identity of the true owner of the vehicle. The vehicle did not reach the posted speed limit and was traveling slower than the flow of traffic.

While continuing to follow the Ford pick-up westbound on I-8, Agent Hill pulled alongside it and observed a silver tarp covering the bed of the truck. She also observed that the driver, later identified as defendant **Ramon VASQUEZ-Cabrales**, continued to look straight ahead. The Ford pick-up then exited at Buckman Springs Road which is the last exit just prior to the I-8 Border Patrol Checkpoint. Border Patrol Agent W. Western who was in an unmarked vehicle, heard the radio traffic and joined Agent Hill as she exited at Buckman Springs Road. The Ford pick-up continued southbound on Buckman Springs Road for approximately one hundred fifty yards, before turning into a driveway with a locked gate. While the vehicle was stopped, Agent Hill was able to see people moving under the tarp. Agent Hill pulled in behind the vehicle and Agent Western pulled in next to it.

Agent Western identified himself as a Border Patrol Agent and ordered the defendant to turn off the motor. Agent Hill went to the passenger side door to secure the passenger and observed one subject on the floorboard and seven individuals under the tarp in the bed of the truck.

An immigration inspection of all individuals was conducted, each subject freely admitted to being citizens and nationals of Mexico, present without any documentation that would allow them to enter or legally remain in the United States. At 10:25 p.m., Agents Western and Hill arrested all ten individuals and transported them to the Boulevard Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:**Ramon VASQUEZ-Cabrales****Bernice PELAYO-Hernandez****Denise PELAYO-Hernandez,**

At approximately 11:00 p.m., Border Patrol Agent A. Pearson was assigned checkpoint duties at the Border Patrol Checkpoint on Highway 94 in Jamul, California. While working primary inspection a gold Dodge Intrepid with two females approached his position. Agent Pearson asked each female their citizenship. Both driver and passenger stated they were United States Citizens. Agent Pearson asked the driver for identification. The driver later identified as defendant#2 **Bernice PELAYO-Hernandez**, stated that she did not have any identification and was sent to secondary inspection for further checks.

While in secondary inspection, record checks were requested through Border Patrol dispatch for the vehicle and the occupants, including the passenger later identified as Defendant#3 **Denise PELAYO-Hernandez**. Bernice stated that she had come directly from Tecate, Mexico and that she had been in Mexico. Record checks revealed that Bernice's vehicle had not crossed into the United States within the last 72 hours. Upon further interviewing, Bernice stated that she contacted a friend to work as a scout. She had previously done this in the past of driving to the Golden Acorn Casino and letting him know if it was clear of Border Patrol and California Highway Patrol.

Regarding this event, both Bernice and Denise went to the Golden Acorn Casino and called "Ramon/Eduardo" to let him know it was clear. Bernice said that they never called her back so she assumed that they had been caught. Agent Pearson called several Border Patrol Stations to inquire if they had apprehended an alien load. The Boulevard Border Patrol told them that they had caught an alien load about one hour prior. Agents from the Boulevard Station responded to the Highway 94 Checkpoint and took custody of the Dodge Intrepid and defendants Bernice and Denise PELAYO-Hernandez and transported all back to the Boulevard Station for processing.

DEFENDANT STATEMENT: (Bernice PELAYO-Hernandez)

Bernice PELAYO-Hernandez was read her Miranda Rights. She stated she understood and was willing to make a statement without an attorney present.

PELAYO is a United States citizen, born San Diego, California.

PELAYO stated she has been contacted by cell phone several times in the past week by a man to see if she would be interested in working as a scout driver. PELAYO has only met him once in person but has spoken to him numerous times via cell phone. She and her sister, Denise PELAYO-Hernandez have smuggled aliens for him in the past.

On this occasion she was to buy twelve cheese burgers. PELAYO was to leave the food at the pay phone at the Live Oak Springs store near the Golden Acorn Casino. PELAYO was also told to drive out to the Golden Acorn Casino and look for Border Patrol Agents parked under the bridge and check the Highway 94 checkpoint to see if it is open or closed. If she saw any Border Patrol Agents or the checkpoint was operational. PELAYO was to be paid \$ 200.00

PELAYO claims her sister Denise, had the truck registration in her possession.

ALWAYS

CONTINUATION OF COMPLAINT:

Ramon VASQUEZ-Cabrales
Bernice PELAYO-Hernandez
Denise PELAYO-Hernandez,

DEFENDANT Statement (Denise PELAYO-Hernandez)

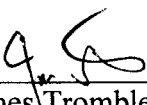
Denise PELAYO-Hernandez was advised of her MIRANDA rights and was willing to make a statement without an attorney present.

PELAYO stated she was United States citizen born in San Diego, California. PELAYO stated that she was asked by her sister, Bernice PELAYO-Hernandez, to go with her and "scout" the Border Patrol Checkpoint to find out if it was operational. PELAYO said Bernice purchased some hamburgers before PELAYO was picked up in Bernice's gold Dodge Intrepid. PELAYO said they drove past the casino (Golden Acorn Casino) and dropped off a bag of hamburgers by a payphone at the Live Oak Springs store.


PELAYO admitted her sister gave her the registration and other paperwork for a vehicle. PELAYO stated she did not know why she was given the paperwork.

MATERIAL WITNESS STATEMENT:

Material witnesses **Eduardo REYES-Rodriguez, Juan Carlos YEPEZ-Yepez, Ramon TORRES-Silva,** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. They all stated that they were going to pay from \$1,300 to \$1,500 to be smuggled into the United States. Material witness **Eduardo REYES-Rodriguez,** was shown a photographic line up and was able to identify the defendant#1 **Ramon VASQUEZ-Cabrales** as the driver of the load vehicle.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

3/27/08 1136 hrs
Date/Time